

SPANISH-AMERICAN CLAIMS COMMISSION

*Exchange of notes at Washington February 23, 1881, supplementing
agreement of February 11 and 12, 1871*

Entered into force February 23, 1881

*Terminated by protocol of June 2, 1883*¹

Treaty Series 331-1

The Secretary of State to the Spanish Minister

DEPARTMENT OF STATE

WASHINGTON, 23 Feb., 1881

SEÑOR DON FELIPE MENDEZ DE VIGO

&c. &c. &c.

SIR:

I have had the honor to hold several recent conferences with you touching the desire of your Government, formally expressed in the note of the Minister of State, Señor Elduayen, to the Minister of the U.S. at Madrid on the 5th of July 1880, for the adoption of an accord between the two Governments looking to the fixation of a term for the labors of the American and Spanish Claims Commission which was organized under the Agreement of February 12, 1871.² In those conferences, the entire agreement of our views in the matter happily renders any discussion thereof unnecessary, save only as to the form and manner of placing such agreement of views on record, with the same force and effect as the original Agreement of 1871.

As you are aware, the Agreement of 1871 was discussed between the U.S. Minister at Madrid and the Spanish Minister of State for some time before a final understanding was reached, during which time various written projects and counter projects of an agreement were reciprocally submitted and considered, and that, at the wish of the Spanish government itself, it was determined that a final accord should be effected by simple exchange of diplomatic notes. This was accordingly done and the date of Señor Martos' note accepting the completed reduction of the Agreement became, therefore, the date of the Agreement itself. It is thought unnecessary that a fresh agreement determining the duration of the Commission should involve more of formality

¹ TS 335, *post*, p. 569.

² TS 328-1, *ante*, p. 540.

than the original accord whereby the Commission itself was created; and I have, accordingly, the honor to propose, for your prompt acceptance as I doubt not, a like conclusion of our present negotiation by means of a simple exchange of diplomatic notes, and in the suggested form of an additional article to the Agreement of 1871.

I believe that you and I are in accord upon the substantial points of the following text of such additional article, as the result of our deliberations thereon:

“VIII. All claims for injuries done to citizens of the United States by the authorities of Spain in Cuba, since the first day of October, A.D. 1868 which have not heretofore been presented by the Government of the U.S. to the Commission now sitting in Washington under the Agreement of February 12, 1871, shall be so presented to the said Commission within sixty days, from this twenty third day of February, 1871; unless in any case where reasons for delay shall be established to the satisfaction of the Arbitrators, and in any such case the period for presenting the claim may be extended by them to any time not exceeding thirty days longer.

“The Commission shall be bound to examine and decide upon every claim which may have been presented to it, or which shall hereafter be presented to it in accordance with this article, within one year from the 12th day of May, 1881, Provided, however, that in any particular case in which delay in completing the defense shall make an extension for the claimant’s proofs or final argument or decision, beyond this period, necessary for justice, such extension may be granted by the Arbitrators, or, on their disagreement, by the Umpire.

“The Arbitrators shall have full power, subject to these stipulations, to make and publish convenient rules for carrying into effect this additional Article, and any disagreement with reference to such rules shall be decided by the Umpire.”

If, therefore, you are of like opinion with me that the foregoing memorandum of the text of an additional article to the Agreement of February 12, 1871, correctly represents the accord we have reached in our recent verbal conferences, and will intimate to me, by note, your acceptance thereof, said additional article will be regarded by this Government (as also by that of Spain) as bearing date from the date of your note of acceptance, and as thereupon and thenceforth having like force and effect with the original agreement which it supplements.

Accept, Sir &c.

WM. M. EVARTS

The Spanish Minister to the Secretary of State

LEGATION OF SPAIN AT WASHINGTON
WASHINGTON, *February 23d, 1881*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, has the honor to acknowledge the receipt of the note which the Honorable Secretary of State has this day been pleased to address to him, stating, with perfect correctness, the result of the conferences held with the view of reaching an understanding with regard to the desire of the Government of His Majesty the King, which was expressed in the note of the Minister of State to the Representative of the United States at Madrid (said note being dated July 5th, 1880) to fix a term for the labors of the Spanish American Commission of Arbitration which was appointed in pursuance of the convention of February 12th, 1871.

The undersigned shares the views entertained by the Honorable Secretary in respect to the form in which it will be proper to express the understanding adopted in said conferences, and he hereby signifies his entire assent to the terms in which the Honorable Secretary of State is pleased to express it in the following additional article to the convention of 1871, which will be considered by the Government of Spain and that of the United States, from this date, as having the same force and effect as the aforesaid convention:

[For text of additional article, see U.S. note, above.]

The undersigned avails himself of this occasion to reiterate to the Honorable William M. Evarts the assurances of his highest consideration.

FELIPE MENDEZ DE VIGO

To the Honorable

WILLIAM M. EVARTS

Secretary of State of the United States
etc, etc, etc.